

REMARKS

This paper is submitted in response to the Office Action mailed on May 15, 2007. Claims 1, 51, 55, 58, 63, 65, 66 and 74 have been amended through this response and claims 79-84 have been added. In view of the foregoing amendments, as well as the following remarks, Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

Personal Interview

Applicant's counsel appreciates the courtesy extended by the Examiner and Supervisory Patent Examiner during the personal interview conducted on August 14, 2007. Prior to the interview, Applicant forwarded a proposed response to the Examiner, which included arguments and claim amendments, for his consideration. During that interview, differences between the claimed subject matter and the teachings of the cited references were discussed in view of the proposed response. As noted in the Interview Summary, the interview resulted in an understanding that the arguments and amendments made in the proposed response would overcome all of the pending rejections. However, the Examiner reserved the right to conduct an additional search. This paper formally addresses the outstanding Office Action and is in accordance with the proposed response submitted prior to the interview and the discussion that took place during the interview.

Claims 1-3, 6-10, 12, 14, 15, and 18, of which claim 1 is independent, stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No.

5,577,612 to Chesson et al. ("Chesson") in view of U.S. Patent No. 4,974,771 to Lavery ("Lavery"). In regard to these rejections, and in view of our previous responses, the Office Action now accepts that Chesson fails to teach or suggest that the tear lines are formed in more than one of the flaps: "Chesson does not disclose the dispenser portion of the carton being defined by at least one tear line formed in more than one of the flaps." (Office Action, p. 4). To fill this void, however, the Office Action now applies Lavery: "Lavery discloses a can carrier (Figure 1 and 4) wherein the dispenser portion (defined by tear lines 54, 56 and 58; Figure 4) of the carton (16) being defined by at least one tear line (one of 54, 56 or 58) formed in more than one of the flaps (42 and 46)." (Id.). The Office Action then asserts that it would have been obvious to modify the teaching of Chesson to include a dispenser being defined by at least one tear line formed in more than one of the flaps, as taught by Lavery.

Applicant respectfully disagrees. In particular, there is nothing in these references that would motivate one of ordinary skill in the art to modify Chesson in the manner suggested in the Office Action. Lavery is directed to a bottom feed type of dispenser that spans the width of the end wall (formed from flaps 40, 42, 44, 46, and 48) from side wall (16) to side wall (20), i.e., a side-to-side dispenser, and adjacent the bottom wall (14, 22) of the carton. Indeed, as shown in Figs. 2 and 4 of Lavery, the tear lines (56, 60) extend into the side walls (16, 20), respectively, so as to span the width of the end wall. In this way, cans may be dispensed from the carton through the end wall. In addition to the side-to-side construction of the dispenser, the end wall is formed from a combination of flaps. As noted above and as illustrated in the carton blank of Fig. 1,

the end wall is formed from flaps 40, 42, 44, 46, and 48. Thus, the multi-flap construction of the end wall in combination with the side-to-side type of dispenser results in tear lines that are formed in more than one of the flaps. In particular, the tear lines (54, 58) are formed in the side wall flaps 42 and 36, respectively.

Chesson, on the other hand, is directed to a carton for containing dryer sheets. As such, the dispenser shown in Chesson is not a side-to-side dispenser, but is a more vertically directed dispenser. In this way, the dryer sheets may be pulled from the stack essentially through the top wall of the carton. One of ordinary skill in the art would not, upon reading these two patents, be motivated to modify the dispenser shown in Chesson so as to make it a side-to-side type of dispenser. Due to the stacking and configuration of the dryer sheets within the carton as taught by Chesson, such a modification may not even be operational in that a side-to-side dispenser may not provide adequate access to the dryer sheets and allow the dryer sheets to be serially pulled from the carton. Simply because the carton of Chesson is capable of being modified in the manner suggested in the Office Action does not make such a modification obvious under the law. There must be a teaching, suggestion or motivation in the prior art references themselves for making the modification. In the instant case, such a teaching, suggestion or motivation is lacking. Indeed, for the reasons provided above, Applicant submits that one of ordinary skill in the art of cartons would not make the modification as suggested in the Office Action. Moreover, Applicant's design does not yield a predictable result in view of the prior art.

Nevertheless, Applicant wishes to advance the prosecution in this case

and has amended claim 1 to more clearly define over Chesson, either alone or in combination with Lavery. In particular, Applicant has amended claim 1 to recite "the flap extending from the bottom wall is at least one of the flaps through which the tear line is formed." Thus, the bottom wall flap must include at least a portion of the tear line(s) that forms the dispenser portion. The amendment is supported in the specification in at least Figs. 1-5 and in paragraph [0034]. Chesson and Lavery each fail to teach or suggest that the tear lines that define the "dispenser portion" are formed in the bottom wall end flap.

For example, as shown in Fig. 6 of Chesson, major panel (522) forms no part of the access flap (534) but is entirely retained with the carton. Moreover, Chesson teaches keeping panel (522) attached to the carton so as to provide an aperture (524) that cooperates with tab (536) to close the carton. Accordingly, one of ordinary skill in the art would not be motivated in any way to form the tear lines through panel (522) as that would remove the aperture (524) and destroy the ability of the carton to reclose. Furthermore, as noted above, the "dispenser" disclosed in Lavery is a side-to-side type of dispenser. One of ordinary skill in the art would also not be motivated to form tear lines in the bottom wall end flap as the full horizontal extent of the article is already exposed by the dispenser such that a user may grasp the exposed opposed ends of the article for removal from the carton. As such, Applicant's invention is not predictable in view of the prior art.

In addition to that above, the amendment made to claim 1 is not simply a contrivance to overcome the Chesson and Lavery, but is supported by several good

reasons. For instance, as discussed in the specification, it is desirable for a dispenser to provide convenient access to the articles in the carton (e.g., cans) while also retaining the articles in the carton once opened. As discussed in more detail below, many dispensers provide limited (vertical) access to the articles and do not allow a user to conveniently grasp the article. Moreover, these dispensers typically provide a panel or barrier along the bottom of the dispenser to retain the articles in the carton. However, the panel may further prevent a user from conveniently grasping the article. As best shown in Fig. 5 of the present application, forming the dispenser portion in a portion of the bottom end flap provides a dispenser opening that allows even the bottom most articles to be conveniently grasped by a user. By way of example, a user may place their thumb along the bottom surface of the can (C) and one or more fingers along the top surface of the can and remove the can from the carton. Forming the tear lines that define the dispenser portion in the bottom wall end flap provides the access to the bottom surface of the can that facilitates use of the dispenser.

For at least the reasons provided above, Applicant respectfully submits that claim 1 recites a combination of elements not taught, suggested or predictable in view of Chesson, alone or in combination with Lavery, and therefore is allowable. Moreover, as claims 2, 3, 6-10, 12, 14, 15 and 18 depend from allowable independent claim 1, Applicant respectfully submits that these claims are allowable as well.

Claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chesson in view of Lavery as applied to claim 1 and in further view of U.S. Patent No. 4,340,170 to Montealegre ("Montealegre"). The Office Action correctly

points out that Chesson and Lavery "do not teach a finger hole on the bottom corner." (Office Action, p. 6). The Office Action then asserts that Montealegre discloses a finger hole for an embedded strap formed on the cover. (Id.). Claims 4 and 5 ultimately depend from independent claim 1. For the reasons provided above for claim 1 and further since Montealegre fails to cure the deficiencies identified above in regard to Chesson and Lavery as applied to claim 1, Applicant respectfully submits that these claims are allowable as well.

Moreover, claims 4 and 5 are allowable for the additional reason that Montealegre (as well as Chesson and Lavery) fails to teach or suggest that the finger hole is located opposite the corner (that defines the dispenser opening) or is located at least in part in the bottom wall. The Office Action clearly identifies the feature (102) as the "finger hole." As shown in Figs. 1-4 of Montealegre, however, the finger aperture (102) is located in first side panel (76) and not opposite corner that defines the dispenser opening or in the bottom panel (120). Thus, Applicant respectfully submits that Montealegre, alone or in combination with Chesson and Lavery, fails to teach or suggest the combination of elements recited in claims 4 and 5 and these claims are allowable.

Claims 11 and 19-78, of which claims 19, 37, 43, 51, 55, 63, 65, 66, and 74 are independent, stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chesson in view of Lavery and in view of Montealegre as applied to claim 4 and in further view of U.S. Patent No. 5,921,398 to Carroll ("Carroll"). Although Applicant does not fully understand the rejection of these claims based collectively on these four

references, Applicant will assume that the claims are rejected based on some combination (but not necessarily all) of the references.

By way of example, in regard to claim 11, Applicant understands that this claim stands rejected based on the combination of Chesson in view of Lavery and Carroll (i.e., Montealegre is not used in the rejection). (Office Action, p. 7). The Office is respectfully asked to clarify the rejection if Applicant's understanding is incorrect. As claim 11 depends from allowable claim 1, and further as Carroll fails to cure the deficiencies identified above in regard to Chesson and Lavery as applied to claim 1, Applicant respectfully submits that this claim is allowable as well. Applicant further submits that claim 11 is allowable for the additional reasons as discussed below in regard to independent claim 19.

Applicant understands that independent claim 19 stands rejected based on the combination of Chesson in view of Lavery and Carroll. As the Office Action points out, Chesson and Lavery fail to teach the dispenser opening extending the entire height of one end wall. The Office Action then asserts that Carroll discloses a dispenser opening extending the entire height of the end wall and that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Chesson and Lavery to extend the opening to be the entire height of the end wall as taught by Carroll. Applicant respectfully disagrees.

The Office Action has failed to present a *prima facie* case of obviousness. In particular, the Office Action appears to be falling into a pattern of picking and choosing prior art references that presumably disclose a certain feature and combining

the references so as to purportedly arrive at the claimed invention. In the rejection of claim 19, for example, the Office Action asserts that Chesson teaches many of the claimed features, but fails to teach: i) a tear line formed through more than one of the flaps; and ii) a dispenser opening that extends substantially the entire height of one end wall. To satisfy the first deficiency in Chesson, the Office Action applies Lavery and asserts it teaches such a tear line. As discussed above in regard to independent claim 1, however, this was done without the required teaching, suggestion or motivation for making the modification suggested in the Office Action. Lavery was applied simply because it supposedly showed a tear line through more than one flap. In essence, the Office Action picked a feature of one prior art reference and combined it with another prior art reference with no consideration as to whether there is the necessary teaching, suggestion or motivation that would make one of ordinary skill in the art to combine the references in the suggested manner. As noted above, the necessary teaching, suggestion or motivation is lacking for modifying Chesson according to Lavery. Applicant's invention of claim 19 is not a predictable result from the cited prior art.

Furthermore, to satisfy the second deficiency in Chesson, the Office Action then applies Carroll and asserts it teaches an opening that extends the entire height of the end wall. Again, this combination is not predictable and was made without any regard for the necessary teaching, suggestion or motivation for making the modification suggested by the Office Action. Applicant submits that there is nothing in Chesson or Carroll that would motivate one of ordinary skill in the art to modify Chesson in the manner suggested by the Office Action. Carroll is directed to a carton for the

storage and display of products. For example, as shown in Figs. 2 and 3 of Carroll, the carton (100) has a sealed configuration for retaining packaged product (P) therein. The carton includes removable portions (14, 18) in the top flap (12) and front portion (16), respectively, as defined by weakened lines (40, 42a, 42b). When the carton (100) is to be transformed so as to display the product, the removable portions (14, 18) are removed and the opposed ends are bent about weakened lines (44) resulting in two displays each having product (P) therein.

One of ordinary skill in the art would not, upon reading these two patents, be motivated to modify the dispenser shown in Chesson so as to transform the carton into display cases for dryer sheets. The purpose of the carton in Carroll is to contain the packaged product (P) during storage and transit, but then separate the carton into two distinct displays. Such a carton would not be useful for dryer sheets as the capability of dispensing the dryer sheets is paramount and display of the dryer sheets is of minor importance. In addition to the above, Chesson specifically teaches keeping panel (522) as part of the carton so that the opening does not extend the entire height of the end wall. This is because Chesson uses the panel (522) for a reclosing function. In particular, Chesson teaches keeping panel (522) attached to the carton so as to provide an aperture (524) that cooperates with tab (536) to reclose the carton. Thus, one of ordinary skill in the art would not be motivated to modify the dispenser opening of Chesson so as to extend the entire height of the end wall as that would remove the aperture and destroy the ability of the carton to reclose. Such modifications are not predictable.

For the above reasons, Applicant respectfully submits that the Office Action has failed to present a *prima facie* case of obviousness by failing to show Applicant's invention is predictable or provide the required teaching, suggestion or motivation for making the modifications as suggested in the Office Action. Instead, it appears that the Office Action is using a pick-and-choose approach to reject the claims. Such an approach is indicative of using impermissible hindsight analysis based on the Applicant's own disclosure to reject the claim. Therefore, Applicant respectfully submits that the rejection is improper and claim 19 is allowable.

Moreover, as claims 20-36 depend from allowable independent claim 19 and further as each of these claims recites a combination of elements not taught or suggested in the cited prior art references, Applicant respectfully submits that these claims are allowable as well. In addition, claims 23 and 24 are allowable for at least the same reasons as provided above regarding claims 4 and 5. In particular, Montealegre fails to teach or suggest that the finger hole is located opposite the corner that defines the dispenser opening or located at least in part in the bottom wall.

In regard to independent claim 37, Applicant is unsure what references are being applied in the rejection. For example, under paragraph 14 the Office Action states: "Regarding claim 37, see Office paragraphs 8-10, 16 and 18." (Office Action, p. 7). Paragraph 8 refers to claim 12 which recites subject matter on the handle opening. The handle opening is nowhere recited in claim 37. Paragraph 10 refers to claims 14 and 15 which recite subject matter on the tear lines extending through the end wall and extending to the top wall, respectively. This subject matter is not recited in claim 37.

Paragraph 16 refers to claim 13 which recites that the dispenser portion is releasably inserted into the handle opening. Again, this is nowhere recited in claim 37. Lastly, paragraph 18 addresses the arguments in the previous Response and therefore has no significance to claim 37. Nevertheless, Applicant will assume that the claim is rejected on: i) Chesson (asserted primary reference) in view of; ii) Lavery (asserted tear line in multiple flaps) in view of; iii) Carroll (asserted dispenser opening extending entire height of end wall) and in view of; iv) Montealegre (asserted finger tab). Clarification is requested.

As illustrated, the Office Action now relies on four references to reach claim 37. Applicant submits that the number of references is indicative of an impermissible pick-and-choose approach that is based on the disclosure of the present application. Applicant reiterates that the invention is not predictable and there is no teaching, suggestion or motivation for combining the references in the manner suggested in the Office Action. In particular, in regard to the combination of Chesson and Lavery, Applicant submits that the rejection is improper for the reasons provided above for claim 1. In regard to further combining these references with Carroll, Applicant submits that the rejection is improper for the reasons provided above for claim 19. In regard to the combination of Chesson, Lavery, and Montealegre, Applicant submits that the rejection is improper for the reasons provided above for claim 5. For at least these reasons, Applicant respectfully submits that claim 37 is allowable. Moreover, claims 38-42 depend from allowable independent claim 37 and thus are allowable for the same reasons provided above.

In regard to independent claim 43, Applicant is assuming that this claim is rejected over Chesson in view of Lavery and in further view of Carroll for essentially the same reasons as provided for independent claim 19. Please advise if this is incorrect. Applicant respectfully submits, however, that claim 43 is allowable for the same reasons as provided above in regard to independent claim 19. In particular, the Office Action has failed to present a *prima facie* case of obviousness due to: i) no teaching, suggestion or motivation for modifying the carton disclosed in Chesson with that disclosed in Lavery; and ii) no teaching, suggestion or motivation for further modifying Chesson according to that disclosed in Carroll. As noted above, this claim is rejected using a pick-and-choose approach based on hindsight analysis provided by the Applicant's own disclosure. Such a rejection does not establish the claimed invention is predictable, is improper and should be withdrawn.

In addition, claims 44-50 depend from allowable independent claim 43 and further as each of these claims recites a combination of elements not taught or suggested by these references, Applicant respectfully submits that these claims are allowable as well.

In regard to independent claim 51, Applicant is assuming that this claim is rejected over Chesson in view of Lavery for essentially the same reasons as provided for independent claim 1. Please advise if this is incorrect. Applicant respectfully submits, however, that claim 51 is allowable for the same reasons as provided in regard to independent claim 1. In particular, the Office Action has failed to present a *prima facie* case of obviousness due to no teaching, suggestion or motivation for modifying

the carton disclosed in Chesson with that disclosed in Lavery. In addition, and as discussed more fully above in regard to claim 1, claim 51 recites that the tear lines that form the dispenser opening extend "through selected ones of the bottom wall flaps and the side wall flaps." Chesson and Lavery each fail to teach or suggest that the tear lines that define the dispenser portion are formed in the bottom wall end flap. Moreover, given the teachings in these references, one of ordinary skill in the art would not be motivated to make the modifications suggested by the Office Action, as discussed more fully above for claim 1. Thus, for at least these reasons, Applicant respectfully submits that claim 51 is allowable.

Nevertheless, to advance prosecution of this case, Applicant has amended claim 51 to more clearly define over Chesson and Lavery. In particular, claim 51 has been amended to recite "the dispenser opening extends substantially the entire height of the one end wall." Thus, Applicant respectfully submits that claim 51 is further allowable for the same reasons as provided above in regard to independent claim 19. Moreover, claims 52-55 depend from allowable claim 51 and are allowable as well.

In regard to independent claim 55, Applicant is assuming that this claim is rejected over Chesson in view of Lavery for essentially the same reasons as provided for independent claim 1. Applicant respectfully submits, however, that claim 55 is allowable for the same reasons as provided in regard to independent claim 1 above. In particular, the Office Action has failed to present a *prima facie* case of obviousness due to a lack of predictability and no teaching, suggestion or motivation for modifying the carton disclosed in Chesson with that disclosed in Lavery.

Nevertheless, to advance prosecution of this case, Applicant has amended claim 55 to more clearly define over Chesson and Lavery. In particular, claim 55 has been amended to recite "the at least one scored line includes a first scored line portion in one of the flaps and a second scored line portion in another flap that overlies the first scored line portion when the one end wall is formed by the combination of flaps." Both Chesson and Lavery (as well as Carroll and Montealegre) fail to teach or suggest any overlying score lines. Accordingly, Applicant respectfully submits that claim 55 defines over Chesson and Lavery and the claim is allowable.

Moreover, claims 56-62 depend from allowable independent claim 55 and thus for the reasons provided above are allowable as well. In addition, claim 57 recites that the dispenser opening extends substantially the entire height of the one end wall. Thus, for the reasons provided above regarding claims 11 and 19, Applicant submits that claim 57 is allowable for this further reason. Claim 58 recites that at least a portion of the dispenser opening "extends substantially the entire width of the one end wall." Claim 58 has been amended to recite that such is located adjacent the juncture of the one end wall and the top wall. As shown in Figs. 3, 4 and 6, the tear lines (586, 588) that define tab (536) are inboard of the edges of front panel (512) so as to form portions (538). Moreover, the "dispenser opening" in Lavery is located adjacent the bottom wall and not the top wall. Furthermore, one of ordinary skill in the art would not be motivated to move the "dispenser opening" adjacent the top wall. In particular, the dispenser is located adjacent the bottom wall so that the cans will automatically feed to the opening

and a user need not stick his/her hand into the carton to grab a can therefrom. For this further reason, Applicant respectfully submits that claim 58 is allowable.

Applicant also submits that Chesson and Lavery fail to teach or suggest the combination of elements recited in claim 62. For example, Figs. 3, 4, and 6 of Chesson clearly show that the tear lines (582, 584) that form the access flap (534) are inboard of the top wall edges (560, 562) such that the "entire junction of the carton between the one end wall and the top wall" does not form the dispenser opening. Additionally, Lavery does not cure this deficiency in Chesson as no portion of the "dispenser" extends into the top wall of the carton is Lavery. Accordingly, Applicant respectfully submits that claim 62 is allowable as well.

In regard to independent claim 63, Applicant is assuming that this claim is rejected over Chesson in view of Lavery for essentially the same reasons as provided for independent claim 1. Applicant respectfully submits, however, that claim 63 is allowable for the same reasons as provided in regard to independent claim 1 above. In particular, the Office Action has failed to present a *prima facie* case of obviousness due to no teaching, suggestion or motivation for modifying the carton disclosed in Chesson with that disclosed in Lavery. However, Applicant has amended claim 63 in a manner similar to independent claim 55. In particular, claim 63 has been amended to recite "the tear line includes a first tear line portion in one of the flaps and a second tear line portion in another flap that overlies the first tear line portion when the dispensing end wall is formed by the combination of flaps." Thus for the reasons provided above in regard to claim 55, Applicant respectfully submits that claim 63 is allowable. Moreover,

claim 64 depends from allowable independent claim 63 and thus is allowable as well.

In regard to independent claim 65, Applicant is assuming that this claim is rejected over Chesson in view of Lavery and in further view of Montealegre. Applicant submits that the combination of Chesson and Lavery is improper for the reasons provided above in regard to independent claim 1. Applicant has, however, amended this claim to more clearly define over these prior art references. In particular, claim 65 has been amended in a manner similar to claim 58 to recite "at least a portion of the dispenser extends substantially the entire width of the exiting end at a location adjacent a juncture of the exiting end and the top wall." Chesson fails to teach or suggest that the access flap (534) extends substantially the width of the front panel (512). Moreover, the "dispenser opening" in Lavery is located adjacent the bottom wall and not the top wall. Moreover, one of ordinary skill in the art would not be motivated to move the "dispenser opening" adjacent the top wall. For at least this reason, Applicant respectfully submits that claim 65 defines over the cited prior art references and is allowable.

In regard to independent claim 66, Applicant is assuming that this claim is rejected over Chesson in view of Lavery for essentially the same reasons as provided for independent claim 1. Applicant respectfully submits, however, that claim 66 is allowable for the same reasons as provided in regard to independent claim 1 above. In particular, the Office Action has failed to present a *prima facie* case of obviousness due to no teaching, suggestion or motivation for modifying the carton disclosed in Chesson with that disclosed in Lavery. However, Applicant has amended claim 66 in a manner

similar to independent claim 63. In particular, claim 66 has been amended to recite "the tear line includes a first tear line portion in one of the flaps and a second tear line portion in another flap that overlies the first tear line portion when the dispensing end wall is formed by the combination of flaps." Thus for the reasons provided above in regard to claim 63, Applicant respectfully submits that claim 66 is allowable. Moreover, claim 67 depends from allowable independent claim 66 and thus is allowable as well.

Claims 68-72 each depend from allowable independent claim 19. Thus for the reasons provided above in regard to claim 19, Applicant respectfully submits that these claims are allowable as well.

Claims 72 and 73 each depend from allowable independent claim 43. Thus for the reasons provided above in regard to claim 43, Applicant respectfully submits that these claims are allowable as well.

In regard to independent claim 74, Applicant is assuming that this claim is rejected over Chesson in view of Lavery and in further view of Carroll for essentially the same reasons as provided for independent claim 19. Applicant respectfully submits, however, that claim 74 is allowable for the same reasons as provided in regard to independent claim 19. In particular, the Office Action has failed to present a *prima facie* case of obviousness due to: i) no teaching, suggestion or motivation for modifying the carton disclosed in Chesson with that disclosed in Lavery; and ii) no teaching, suggestion or motivation for further modifying Chesson according to that disclosed in Carroll. As noted above, the rejection of this claim is based on a pick-and-choose approach using hindsight analysis provided by the Applicant's own disclosure. Such a

rejection is improper and should be withdrawn.

Nevertheless, Applicant has amended the claim to more clearly define over these prior art references. In particular, claim 74 has been amended to recite that the bottom wall flap is at least one of the flaps through which the tear line extends. For the reasons provided above in regard to independent claim 1, Applicant submits that claim 74 defines over the cited prior art references. Claim 74 has been further amended to recite that the tear lines have overlapping portions. For at least the reasons provided above in regard to independent claim 55, Applicant submits that claim 74 defines over the cited prior art references. Claim 74 has been further amended to recite that the dispenser opening extends substantially the entire width of the one end wall adjacent the corner between the one end wall and the top wall. For the reasons provided above in regard to claim 58, Applicant submits that claim 74 defines over the cited prior art references. For at least these reasons, Applicant respectfully submits that claim 74 is allowable.

As claims 75-78 depend from allowable independent claim 74, and further as each of these claims recites a combination of elements not taught or suggested by the cited prior art references, Applicant respectfully submits that these claims are allowable as well.

Claims 13, 16, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chesson in view of Lavery in further view of Montealegre in further view of Carroll and in further view of U.S. Patent No. 5,690,213 to Matsummura ("Matsummura"). Each of these claims ultimately depend from allowable independent

claim 1 and thus for the reasons provided above are allowable as well. In addition, Applicant is again of the view that the Office Action has failed to present a *prima facie* case of obviousness. In particular, these claims have been rejected based on five separate prior art references. As stated above, this is indicative of an impermissible pick-and-choose approach based on hindsight analysis provided by the Applicant's own disclosure. For this additional reason, Applicant respectfully submits that the rejection is improper.

In addition new claims 79-84 have been added through this amendment. Claims 79-82 depend from allowable independent claims 19, 37, 43, and 51, respectively, and are therefore allowable for the reasons provided above in regard to those independent claims. Additionally, however, these new claims recite elements not taught or suggested in the cited references and are therefore allowable for this further reason. Claims 83 and 84 ultimately depend from allowable independent claims 1 and 51, respectively, and are therefore allowable for the reasons provided above in regard to those independent claims. Additionally, however, these new claims recite elements not taught or suggested in the cited references and are therefore allowable for this further reason.

Conclusion

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this effect is earnestly solicited. If the Examiner believes any matter requires further discussion, the Examiner is respectfully invited to telephone the undersigned attorney so that the matter may be promptly resolved.

Applicant does not believe that any fees are due in connection with this response, other than those for the additional claims. However, if such petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

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